



Reprinted  
February 26, 2007

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## SENATE BILL No. 173

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DIGEST OF SB 173 (Updated February 26, 2007 3:20 pm - DI 107)

**Citations Affected:** IC 32-30.

**Synopsis:** Nuisance actions. Provides that a court may award reasonable costs and attorney's fees to a forestry, agricultural, or industrial operation that successfully defends a nuisance action.

**Effective:** July 1, 2007.

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**Jackman, Steele**

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January 8, 2007, read first time and referred to Committee on Corrections, Criminal, and Civil Matters.  
February 20, 2007, reported favorably — Do Pass.  
February 26, 2007, read second time, amended, ordered engrossed.

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SB 173—LS 6326/DI 107+



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February 26, 2007

First Regular Session 115th General Assembly (2007)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2006 Regular Session of the General Assembly.

## SENATE BILL No. 173

A BILL FOR AN ACT to amend the Indiana Code concerning property.

*Be it enacted by the General Assembly of the State of Indiana:*

1       SECTION 1. IC 32-30-6-7, AS AMENDED BY P.L.82-2005,  
2       SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3       JULY 1, 2007]: Sec. 7. (a) An action to abate or enjoin a nuisance may  
4       be brought by any person whose:  
5               (1) property is injuriously affected; or  
6               (2) personal enjoyment is lessened;  
7       by the nuisance.  
8       (b) A civil action to abate or enjoin a nuisance may also be brought  
9       by:  
10              (1) an attorney representing the county in which a nuisance exists;  
11              or  
12              (2) the attorney of any city or town in which a nuisance exists.  
13       (c) A county, city, or town that brings a successful action under this  
14       section (or IC 34-1-52-2 or IC 34-19-1-2 before their repeal) to abate  
15       or enjoin a nuisance caused by the unlawful dumping of solid waste is  
16       entitled to recover reasonable attorney's fees incurred in bringing the  
17       action.

SB 173—LS 6326/DI 107+



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- 1 (d) A court may award:  
2 (1) a forestry operation;  
3 (2) an agricultural operation; or  
4 (3) an industrial operation;  
5 that successfully defends an action under this section is ~~entitled to~~  
6 reasonable costs and attorney's fees incurred in defending the action.

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SENATE MOTION

Madam President: I move that Senator Steele be added as coauthor of Senate Bill 173.

JACKMAN

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COMMITTEE REPORT

Madam President: The Senate Committee on Corrections, Criminal, and Civil Matters, to which was referred Senate Bill No. 173, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is made to Senate Bill 173 as introduced.)

STEELE, Chairperson

Committee Vote: Yeas 4, Nays 3.

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SENATE MOTION

Madam President: I move that Senate Bill 173 be amended to read as follows:

Page 2, line 1, delete "shall" and insert "**may**".

(Reference is to SB 173 as printed February 21, 2007.)

JACKMAN

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